

Enclosure 1
Specific Comments

1. EPA supports a public process in the development of the specific Best Practices to ensure transparency and scientific credibility. EPA recommends that in addition to food safety concerns, that water quality and fish/wildlife/habitat protections, be included in the process.
2. The regulations should define leafy greens and limit the regulatory scope to processed, bagged greens that are eaten raw, as that processed and bagged leafy greens versus traditional whole greens have been the sources of past E.coli 0157:H7 illnesses since 1999 (U.S. Food and Drug Administration data).
3. Best Practices and commodity-specific production and handling guidelines should be developed in cooperation w/ the industry (including producers in addition to handlers) **and** other groups such as academia (e.g., UC Cooperative Extension) and public agencies overseeing water quality and wildlife habitat (e.g., USEPA, departments of fish and game, water quality boards, USDA Natural Resources Conservation Service). This is to ensure that these practices or metrics do not have unintended consequences to the environment and are not in conflict with on-the-ground conservation or other natural resources issues.
4. How will the USDA provide technical assistance for handlers and producers to adopt Best Practices correctly and in a way that is economically sustainable? Will USDA designate the NRCS as technical support and provide adequate resources for this function?
5. How will USDA provide oversight, implementation and enforcement of the marketing agreement and its practices? Does USDA have resources internally for effective implementation or have the necessary agreements been put in place with state departments of agriculture to support implementation?
6. How will USDA ensure that more onerous or rigorous practices beyond the marketing agreement will not be imposed upon growers of leafy greens by other buyers and handlers (i.e., set a cap on practices)?
7. As a federal action, will the marketing agreement and its practices trigger NEPA review? ESA consultation (i.e., Sections 7 and 9)?
8. How will USDA coordinate the rulemaking with other federal agencies? As one suggestion, EPA is now organizing its Agricultural Advisory Committee pursuant to the Federal Advisory Committee Act and will invite USDA's participation. This may provide an opportunity for coordinating such a marketing agreement with this group.